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**APR 23 2004**

**OFFICE OF PETITIONS**

In re Application :  
Fujii, et al. : ON PETITION  
Application No. 09/517,176 :  
Filed: March 3, 2000 :  
Atty. Docket No.: 501.38264X00:

This is a decision on the petition filed October 21, 2003 under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application. This decision is also in response to petitioner's "REQUEST FOR RE-DETERMINATION OF PATENT TERM" filed hereto.

**DECISION UNDER 37 CFR 1.181**

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned June 12, 2003 for failure to timely submit the issue fee as required by the Notice of Allowance and Issue Fee Due ("Notice") mailed March 11, 2003. The Notice set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed July 21, 2003.

Petitioner argues that the issue fee transmittal form and issue fee payment form were timely submitted on June 11, 2003. Petitioner has submitted as proof of receipt of the alleged reply a date stamped ~~non-receipt~~ of the non-final Office.

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A review of the application file does not indicate receipt of the reply purportedly filed June 3, 2003, however, in view of the evidence presented by petitioner, the Notice of Abandonment in the above-referenced application is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

**DECISION ON REQUEST FOR RE-DETERMINATION OF PATENT TERM**


Petitioner requests re-determination of the patent term adjustment for the instant applicant in view of the submission of the instant application.

Petitioner is advised that the Issue Notification will indicate the amount of patent term adjustment, if any, accorded any patent to issue from the instant application. Furthermore, current patent term adjustment is also available for the Patent Application Information Retrieval system.

The required issue fee has been charged to petitioner's deposit account as authorized on form PTOL-85(b).

This application is being forwarded to the Publications Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0210.

A handwritten signature in cursive script, appearing to read 'Alesia MB', is written over the typed name.

Alesia M. Brown  
Senior Petitions Attorney  
Office of Petitions